Further, the Examiner has indicated that this priority application may be relied upon by the Applicants in order to antedate the above-mentioned 102(a) references. In accordance with the Examiner's suggestion, Applicants provide herewith a verified English-language translation of the above-mentioned German priority document, perfecting priority and antedating the references of record. Accordingly, withdrawal of these grounds of rejection is respectfully requested.

The rejection of Claims 5-8 under 35 U.S.C. § 112, first paragraph, is believed to be obviated by the above amendment. More specifically, the Examiner has indicated that mere sequence information pertaining to 70-90% identify of SEQ ID NO. 1 should be accompanied by functional information as well. Therefore, Applicants have amended Claim 5 to include such functional information. Further, Applicants have amended the remaining claims to depend from Claim 5. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 16-19 under 35 U.S.C. § 112, second paragraph, is believed to be obviated by the above amendment. More specifically, the term "Coryneform" has been replaced by *"Coryneform"* in Claims 16-17. Further, the term "Coryneform" has been replaced by "Corynebacterium" in Claims 18-19. Accordingly, withdrawal of these grounds for rejection is respectfully requested.

The rejection of Claim 8 under 35 U.S.C. § 112, second paragraph is traversed below. The Office is taking the position that the washing conditions for stringent hybridization are unclear without a time provided for duration of the wash. The Office contends that the time period is crucial to define the stringency of the hybridization. Applicants respectfully traverse the rejection on the basis that Applicants have provided the buffer for the washing conditions as well as the temperature at which the washing should occur. Applicants further traverse on the grounds that the skilled artisan would recognize such time that is required to

provide adequate hybridization. Further, Applicants cite many references drawn to hybridization protocols throughout the present specification demonstrating that such timing is well known in the art. If the Office maintains this rejection, Applicants respectfully request the Office to provide references demonstrating that timing is crucial to define the stringency of the hybridization. Under the rules set forth by the M.P.E.P., if the Office challenges a characterization of a term, such as "stringent hybridization" as set forth by an Applicant, the Office must provide a reference demonstrating that the Applicants' term is in opposite to that recognized in the related technical field. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The objection of Claims 2 and 4-11 under 37 C.F.R. § 1.75(c) as being in improper dependent form for failing to further limit the subject matter as a previous claim is believed to be obviated by the above amendment. Claims 2 and 9 have been canceled. Further, Claim 5 has been amended to be independent and all other claims depend therefrom. Since Claim 5 appears to be drawn to the broadest reasonable interpretation of all the above-mentioned claims, Applicants respectfully submit that the remaining dependent claims further limit the subject matter as previously claimed in Claim 5. Accordingly, withdrawal of this ground of rejection is respectfully requested.

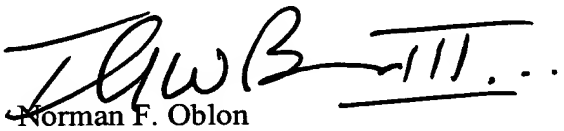
The specification is objected to for not describing all the sequences cited in the sequence listing. However, the Examiner's attention is directed to page 21, lines 8-9, where SEQ ID NO. 3 is described in the specification. Accordingly, withdrawal of this ground of objection is respectfully requested.

The objection to the Abstract is believed to be obviated by the enclosed substitute Abstract. More specifically, Applicants have included the source species, *Corynebacterium glutamicum*. Accordingly, withdrawal of this ground of objection is respectfully requested.

Applicants respectfully submit that the present application is now in condition for allowance. Early notice to this effect is respectfully requested. Should anything further be required to place this application in condition for allowance, the Examiner is requested to contact the undersigned by telephone.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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IN THE CLAIMS

1. (Amended) An isolated polynucleotide according to Claim 5 which encodes a protein comprising the amino acid sequence of SEQ ID NO:2.

2. (Canceled)

3. (Amended) An isolated polynucleotide according to Claim 5, which comprises SEQ ID NO:1.

5. (Amended) An isolated polynucleotide which is at least 70% identical to [the] a polynucleotide [of Claim 3] comprising the nucleic acid sequence of SEQ ID NO: 1, wherein said polynucleotide encodes a protein having LuxR transcriptional activation activity.

6. (Amended) An isolated polynucleotide according to Claim 5 which is at least 80% [identical to the polynucleotide of Claim 3] to a polynucleotide comprising the nucleic acid sequence of SEQ ID NO: 1.

7. (Amended) An isolated polynucleotide according to Claim 5 which is at least 90% [identical to the polynucleotide of Claim 3] to a polynucleotide comprising the nucleic acid sequence of SEQ ID NO: 1.

9. (Canceled)

10. (Amended) An isolated polynucleotide which [comprises] consists of at least 15 consecutive nucleotides of the polynucleotide of Claim 3.

16. (Amended) The host cell of Claim 14, which is a *[Coryneform]* Coryneform bacterium.

17. (Amended) The host cell of Claim 15, which is a *[Coryneform]* Coryneform bacterium.

18. (Amended) The host cell of Claim 14, wherein said host cell is selected from the group consisting of *[Coryneform] Corynebacterium glutamicum, Corynebacterium acetoglutamicum, Corynebacterium acetoacidophilum, Corynebacterium melassecola, Corynebacterium thermoaminogenes, Brevibacterium flavum, Brevibacterium lactofermentum,* and *Brevibacterium divaricatum.*

19. (Amended) The host cell of Claim 15, wherein said host cell is selected from the group consisting of *[Coryneform] Corynebacterium glutamicum, Corynebacterium acetoglutamicum, Corynebacterium acetoacidophilum, Corynebacterium melassecola, Corynebacterium thermoaminogenes, Brevibacterium flavum, Brevibacterium lactofermentum,* and *Brevibacterium divaricatum.*

ABSTRACT OF THE DISCLOSURE

(New)

ABSTRACT OF THE DISCLOSURE

A6

The present invention relates to polynucleotides corresponding to the luxR gene and which encode a LuxR transcriptional activator, methods of producing L-amino acids, and methods of screening for polynucleotides which encode proteins having LuxR transcriptional activation activity. The invention also relates to isolating the luxR gene and which encode a LuxR transcriptional activator from *Corynebacterium glutamicum*.